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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,236	01/05/2001	Kenichiro Imai	450100-02940	3751

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FROMMER LAWRENCE & HAUG  
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NEW YORK, NY 10151

EXAMINER

MANOSKEY, JOSEPH D

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 08/10/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

1 - [Signature]

## Office Action Summary

Application No.

09/755,236

Applicant(s)

IMAI ET AL.

Examiner

Joseph Manoskey

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lavelle, French Patent Application 2,748,833.

3. In addition to the French Patent Application by Lavelle, an English translation has been furnished with this Office Action entitled "Information Storage System for Real Time Monitoring of a Digital Computer". All references to French Patent Application 2,748,833 will be done using the English translation. The two documents will be referred to as collectively hereinafter as "Lavelle".

4. Referring to claims 1 and 6, Lavelle teaches a monitoring system (See page 2, 3<sup>rd</sup> paragraph). The monitoring system is external to the controller that it is monitoring (See Fig. 1). The state is obtained when its is under actual operating conditions, this is interpreted as a control program stored in storage means in the apparatus controls, via an internal bus of the apparatus, said controller to operate (See page 4, 1<sup>st</sup> paragraph).

Lavelle discloses the system monitoring detecting on the internal bus in real time (See page 3). The detection includes the address bus with the detection means being external to the controller, this is interpreted as each match of an address set with an address line on the internal bus (See Fig. 1, and page 9, last paragraph). Finally, Lavelle teaches the information being transferred to an archival device, this is interpreted as information on the accessing of the internal bus being outputted to external monitoring means (See page 6, paragraph 3), and the information includes dating bits which indicate at what moment the data was sampled, this is interpreted as the information including the timing of the accessing (See page 12, first paragraph).

5. Referring to claims 2 and 7, Lavelle teaches the state of the system under monitoring is obtained when its is under actual operating conditions (See page 4, 1<sup>st</sup> paragraph) and the detection includes the address bus with the detection means being external to the controller, this is interpreted as comprising execution address detection means (See Fig. 1, and page 9, last paragraph). Finally, Lavelle teaches the information being transferred to an archival device, this is interpreted as information on the accessing of the internal bus being outputted to external monitoring means (See page 6, paragraph 3).

6. Referring to claims 3, 4, 8, and 9, Lavelle discloses the system having a display for the information (See page 6, 3<sup>rd</sup> paragraph).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavelle in view of Fasang, U.S. Patent 4,433,413.

3. Referring to claims 5 and 10, Lavelle teaches all the limitations (See rejection of claims 3 and 8) except for the data being displayed numerically, however Lavelle does disclose displaying the data on a display and remains silent about what format the data is displayed in (See page 6, 3<sup>rd</sup> paragraph). Fasang teaches a device and method of testing a microprocessor system that includes a display where the data is formatted numerically (See Fig. 1, Col. 3, lines 20-31, and Col. 24, lines 5-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to display the data in the numerical format of Fasang on the display of Lavelle. This would have been obvious to one of ordinary skill in the art at the time of the invention to do this because it better conveys information to the outside world (See Fasang, Col. 3, lines 30-32).


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Manoskey whose telephone number is (703) 308-5466. The examiner can normally be reached on Mon.-Fri. (8am to 4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDM  
August 6, 2004

  
ROBERT BEAUSOLIEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100